IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT APPEAL NO : 909 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/05/2004 in WP NO : 6381 OF 2004 on the file of the High Court.)

Between:

A.Srinivasa Rao, S/o Late A.Swamy,
Proprietor of Red Saffaire Bar & Restaurant, Premises No.1-1-111,
AVS Complex, RTC Cross Roads, Hyderabad.

..... APPELLANT

AND

1 The Commissioner of Police, Basheerbagh, Hyderabad.
2 The Deputy Commissioner of Police, Central Zone, Police Control Room, Basheerbagh, Hyderabad.
3 The Deputy Commissioner of Police, Task Force, Central Zone, Begumpet, Hyderabad.
4 The Asst.Commissioner of Police, Chikkadpally Division, Hyderabad.
5 The Station House Officer, Chikkadpally Police Station, Hyderabad.

.....RESPONDENT(S)

For the Appellant:MR.V.VENKATARAMANA

For the Respondent No.: GP FOR HOME

ORAL ORDER: (per the Hon’ble the Chief Justice)

Appellant's writ petition was dismissed at the threshold by the learned single Judge on the ground that the appellant's application for grant of amusement licence was considered by first respondent and the same was rejected on the ground of possible disturbance to law and order and on account of inadequate parking space for its customers and since the first respondent has taken a decision that there was no sufficient parking place, which is a pure question of fact, the same is not amenable to writ jurisdiction.

Learned counsel for the appellant has relied upon a decision of a Division Bench of this Court in BIG WAY BARANDS BAR AND RESTAURANT vs COMMISSIONER OF POLICE, HYDERABAD CITY (2003 (1) ALD 99) wherein it was held that the ground which was taken by the learned single Judge to be a question of fact is not a ground on which the application for grant of licence can be rejected.

Since the challenge was made by the appellant on two grounds, it is but proper to take the version of the respondents on record before taking any decision in the matter more particularly in view of the decision of this Court that one of the grounds is not a ground on which the licence can be rejected.

The appeal is accordingly allowed and the impugned order is set aside.

The writ petition be listed before the learned single Judge so as to enable the learned single Judge to take the version of the respondents on record and then take a decision in the matter.

Parties to appear before the learned single Judge on 29-6-2004.

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DEVINDER GUPTA,

CJ

18-6-2004

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G.ROHINI, J

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